

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**UNITED STATES OF AMERICA**

**v.**

**JOHNATHON IRISH**

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**Criminal Case No. 1:13-cr-00142-PB**

**UNITED STATES' MOTION TO DISMISS COUNT FIVE WITHOUT PREJUDICE**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the government hereby moves to dismiss without prejudice Count Five of the Indictment, which charges the defendant, Johnathon Irish, with possessing a firearm as a regular user of the controlled substance marijuana, in violation of 18 U.S.C. § 922(g)(3). The government intends to move forward at trial on Counts One and Two of the Indictment.

Dated: November 7, 2014

Respectfully submitted,

**JOHN P. KACAVAS**  
United States Attorney

By: /s/ Nick Abramson  
Nick Abramson  
Assistant U.S. Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon Lawrence Vogelmann, Esq., counsel for the defendant, through the electronic filing system.